



GUATEMALA HUMAN RIGHTS COMMISSION

Have US Congressional offices become pawns of Guatemalan state sponsored mafias?

CICIG loses funding for prosecuting human trafficking rings amid outlandish accusations of infiltration by the Kremlin

May 7, 2018

On April 27th, 2018 Congressman Chris Smith (R-NJ) convoked a hearing of the Helsinki Commission in the US Congress, a hearing in which the International Commission Against Impunity in Guatemala, CICIG, was accused of acting as a pawn of Russian state sponsored mafias intent on seeking vengeance against a Russian family. The Bitkov family claims they came to Guatemala in 2009, lured by a website offering new identities as they fled violence by Russian state agents and mafias who first sought to steal the family's successful business. Six years later they were arrested for use of false identities in CICIG supported investigations.

On May 4, 2018, Senator Marco Rubio, Majority Chair of the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee, suspended US funding for CICIG until the Bitkovs are released from custody.

The scandal in the US Congress came at a crucial moment in the stand-off between Guatemalan president Jimmy Morales and CICIG, backed by the Guatemalan Attorney General. Over the past nine months CICIG and Guatemalan Public Prosecutors have requested impeachment of the current president of Guatemala three times, each in relation to separate criminal charges. Morales has attempted to expel CICIG's director from Guatemala. Supporters of justice reform fear that the most successful experiment in combating organized crime networks is at risk, especially since Morales named a new attorney on May 2, 2018, who is expected to be a firm ally in Morales' attempts to evade prosecution and weaken or end the work of CICIG.

Though unable to participate in the hearing, CICIG explains the Bitkovs were arrested as part of CICIG's efforts to combat corruption rings that extended false identification papers, and allowed people to illegally enter and exit the country. CICIG sought to prevent Guatemala from become a refuge for criminals and to combat human trafficking.

Questions and answers about CICIG's role in the Bitkov prosecution:

Why did CICIG investigate the Bitkovs?

CICIG cooperates with US Homeland Security in the prosecution of human trafficking. In 2010, the Anti-Impunity Special Prosecutors (FECI), the special unit of the public prosecutor's office that CICIG works with, received a complaint from a leader of the staff union within the General

Directorate of Migration, Mr. Fidel Pacheco. Mr. Pacheco, who was later brutally murdered, identified a group of officials within the General Directorate of Migration, as responsible for issuing false passports; the exit of national and foreign persons with false documentation; and the entry of people without meeting the requirements established by law. He also warned that the leaders of this network, including senior officials within the Directorate, might attempt to murder him. FECI investigated the charges and immediately began making arrests and building the investigation.

How did investigators identify the Bitkovs?

In 2014, FECI seized documents in a search of the General Directorate of Immigration, and also received testimony of a witness, both of which identified Mr. Bitkov (via the two false identities he used) as a user of the network. Later, FECI learned that the Metropolitan Prosecutor's office, a separate unit of the public prosecutor's office, had received a complaint by legal representatives of the Russian VTB Bank against the Bitkovs.

What did prosecutors find?

FECI investigators learned that Igor, Irina and Anastacia Bitkov had entered Guatemala using their Russian passports in 2009. There is no record of an asylum claim at that time. Mr. Bitkov then used an altered birth certificate to obtain a false identity card (Igor Benítez García) and used it to create a business. He went on to obtain a second false identity (Leonid Zaharenko) and used that to start another business, and marry Irina, already his wife, and thus obtain a Guatemalan passport for her and their daughter. In January 2015, the Court issued an arrest warrant against Igor, Irina and Anastacia on charges of *usurpation of civil status, use of forged documents* and *suppression and alteration of civil status*. Igor Bitkov was sentenced to 19 years in prison and Irina and Anastacia to 14 years each.

Why did the Bitkovs receive such harsh sentences?

The Bitkovs chose not to plead guilty and did not cooperate with the larger investigation as other users of the network had. The trial established that the Bitkovs had used false identities to not only establish residence, but also to open two businesses. At the time of the ruling in 2018, there was no evidence submitted before the Court regarding a potential persecution by the Russian government or mafia. This made it impossible for the judge to take any extenuating circumstances, or the personal history and motives of the accused into consideration at the time of the sentencing.

Who else was arrested?

In June 2013, seven employees of the General Directorate of Passports were prosecuted in relation with the Migration case. In January 2014, in the first hearing of the Migration case, an additional 27 people were linked to the process. Investigations and arrests continued, and in January 2018, the High Risk Court-A found 39 people guilty of participating in a passport forgery network. Among those sentenced are former officials of the General Directorate of Migration (DGM) and the National Registry of Persons (RENAP), lawyers, human traffickers (*coyotes*) and users of the criminal structure, including Igor Vladimirovich Bitkov, Irina Viacheslavovna Bitkova and Anastasia Bitkova.

Why were the Bitkovs the only ‘users’ of the migration corruption ring sentenced to prison?

Earlier in the investigation, in 2010 and 2013, three Colombians were prosecuted for using the services of the criminal network. They pled guilty and cooperated with prosecutors. Thus, they were given reduced sentences. Later investigations identified six others who had obtained false Guatemalan passports, but they had immediately left the country and were no longer under Guatemalan jurisdiction.

Were the Bitkov’s denied asylum?

The Bitkovs entered Guatemala legally in 2009. There is no knowledge of any asylum petition at the time. In 2016, after charges had already been brought against them, the Bitkovs filed an asylum petition with the National Commission for Refugees (CONARE), an inter-ministerial body including the Ministry of Interior, the Foreign Affairs Ministry, the Ministry of Labour and the Migration Directorate. CICIG has no role or voice in this process.

Reportedly, CONARE interviewed the three members of the family and declined the asylum petition. The Bitkovs then appealed the decision before the Presidency of the Republic. The Presidency refused to rule on the appeal. The asylum petition is therefore pending a decision by the President of Guatemala.

Did CICIG put the Bitkov’s toddler son in an abusive facility?

CICIG played no role in deciding where the Bitkovs’ young son would be held while they were in detention, that decision was made by separate State authorities. In a separate case, CICIG is prosecuting the State protective services facilities for alleged abuses.

Was CICIG working with the Russians and the Russian VTB Bank?

Over four years into CICIG’s investigations into the criminal network in the migration office, on November 13, 2014, a complaint filed by VTB Bank was transferred from the Metropolitan Prosecutor's Office to the unit CICIG assists, the FECI. In January 2015, at the first hearing after the Bitkovs’ arrest, VTB Bank asked the judge to join in the prosecution of the Bitkovs as joint plaintiff, and the judge allowed it. Private plaintiffs are a role victims’ can play in prosecutions, a long-established aspect under Guatemalan law which has been key to prosecution of important cases and to combating corruption in the justice system. The Bitkovs appealed the decision and on September 28, 2017, an appeals court rejected VTB’s participation as joint plaintiff, finding the Bank did not meet the standard of victim as the case was about false documents, not VTB’s claims.